

## Message Text

LIMITED OFFICIAL USE

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04  
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01  
SP-02 SS-15 USIA-06 DHA-02 /083 W  
-----008897 200840Z /12

P R 200748Z JUN 77  
FM AMCONSUL CAPE TOWN  
TO SECSTATE WASHDC PRIORITY 6301  
USMISSION USUN NEW YORK PRIORITY  
INFO AMEMBASSY BONN  
AMEMBASSY DAR ES SALAAM  
AMCONSUL DURBAN  
AMEMBASSY GABORONE  
AMCONSUL JOHANNESBURG  
AMEMBASSY LONDON  
AMEMBASSY LUSAKA  
AMEMBASSY MAPUTO  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS  
AMEMBASSY PRETORIA

LIMITED OFFICIAL USE CAPE TOWN 1019

E.O. 11652: N/A  
TAGS: PDEV, SF, WA  
SUBJECT: NAMIBIA: SOUTH AFRICAN LEGISLATION GIVES FULL  
POWERS TO STATE PRESIDENT

REF: (A) CAPE TOWN 0944, (B) CAPE TOWN 1001

BEGIN UNCLASSIFIED

1. BILL AMENDING THE SOUTH WEST AFRICA CONSTITUTION ACT  
OF 1968, HAVING BEEN PREVIOUSLY PASSED BY ASSEMBLY, ALSO  
PASSED SENATE ON JUNE 17 AND WILL BE SIGNED INTO LAW WITHIN  
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A FEW DAYS. FULL TEXT WILL BE CABLED AS SOON AS POSSIBLE.

2. PRINCIPAL DIFFERENCES FROM TEXT SENT IN CAPE TOWN 0944  
OCCUR IN THREE PLACES.

A. AS SUBMITTED BY PRIME MINISTER, INTRODUCTORY PARAGRAPH  
READ "TO AMEND THE SOUTH WEST AFRICA CONSTITUTION ACT,

1968, SO AS TO EXTEND WITH A VIEW TO THE REGULATION OF  
ADDITIONAL MATTERS, INCLUDING THE ADMINISTRATION OF WALVIS  
BAY, AND THE EVENTUAL ATTAINMENT OF INDEPENDENCE BY THE  
TERRITORY OF SOUTH WEST AFRICA, THE POWERS..."

B. AMENDMENT BY UNITED PARTY INSERTED ADDITIONAL MENTION  
OF WALVIS BAY IN THE FIRST SUBSTANTIVE PARAGRAPH OF THE  
AMENDMENT BY DELETING THE WORDS QUOTE IN RELATION TO ANY  
END QUOTE AND INSERTING INSTEAD QUOTE WITH A VIEW TO THE  
EVENTUAL ATTAINMENT OF INDEPENDENCE BY THE SAID TERRITORY,  
THE ADMINISTRATION OF WALVIS BAY, AND THE REGULATION OF  
ANY OTHER END QUOTE. THIS IN EFFECT MERELY REPEATS THE  
WORDING OF THE INTRODUCTION.

C. AMENDMENT BY PRP INSERTS WORDS QUOTE EXCEPT FOR THE  
PROVISIONS OF SUBSECTIONS 6 AND 7. OF THIS SECTION" IN THE  
FIRST SUB-PARAGRAPH OF THE BILL FOLLOWING THE FIRST OCCUR-  
RENCE OF THE WORD QUOTE ACT END QUOTE. THE EFFECT OF THIS  
INSERTION IS TO REQUIRE THE STATE PRESIDENT OR HIS AGENT  
TO LAY ON THE TABLE OF THE SENATE AND THE ASSEMBLY ANY LAW  
OR REGULATION PROMULGATED BY PROCLAMATION. IF NO ACTION  
IS TAKEN WITH 28 CONSECUTIVE DAYS, THE ACTION STANDS. IF  
A RESOLUTION IN BOTH HOUSES IS PASSED DISAPPROVING  
ANY SUCH PROCLAMATION OR PROVISION, IT BECOMES INVALID AS  
OF THE DATE OF THE RESOLUTION, ALTHOUGH VALID FOR LEGAL  
PURPOSES UP TO THAT TIME. (SECTION 38, SUB PARAS 6 AND 7  
OF THE SWA CONSTITUTION ACT 1968). END UNCLASSIFIED

3. BEGIN LIMITED OFFICIAL USE. WE RAISED QUESTION OF WHY  
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WALVIS BAY WAS MENTIONED WITH JOHN VIALI, SENIOR LEGAL ADVISOR  
IN DFA WHO HAS BEEN CLOSELY ASSOCIATED WITH RECENT DELIBERA-  
TIONS. HE SAID THAT THE LEGAL ADVISORS OF PARLIAMENT HAD  
INSISTED THAT, AS IN PREVIOUS LEGISLATION, PHRASE CONCERN-  
ING WALVIS BAY SHOULD APPEAR IN CURRENT AMENDING LEGISLATION.  
ACT 24 OF 1922 PROVIDED THAT WALVIS BAY WOULD BE ADMINISTERED  
AS PART OF THE TERRITORY OF SOUTH WEST AFRICA. SINCE  
THAT TIME ALMOST ALL LEGISLATION APPLICABLE TO THE TERRITORY  
HAS SOMEWHERE CONTAINED A PHRASE MENTIONING THAT IT APPLIES  
ALSO TO WALVIS BAY. SUCH LANGUAGE IS CONTAINED IN PARA 36  
OF THE SWA CONSTITUTION ACT OF 1968 WHICH IS BEING AMENDED.  
MENTION IN CURRENT BILL IS CONSISTENT WITH ESTABLISHED  
PRACTICE AND IN NO WAY CHANGES STATUS OF WALVIS BAY.  
BOWDLER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSTITUTIONAL AMENDMENTS, PUBLIC ADMINISTRATION  
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**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977CAPET01019  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770219-0251  
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**Litigation History:**  
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**Message ID:** 4459827a-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION AF  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 CAPE TOWN 944, 77 CAPE TOWN 1001  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 27-Dec-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2099431  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NAMIBIA: SOUTH AFRICAN LEGISLATION GIVES FULL POWERS TO STATE PRESIDENT  
**TAGS:** PDEV, SF, WA  
**To:** STATE USUN NEW YORK  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/4459827a-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009